

REMARKS

Applicant has amended claims 1, 12 and 13 to more clearly point out his invention. Applicant also has added new claims 14 - 16 to claim specific embodiments of his invention. These amendments are not the addition of new matter. Accordingly, Applicant respectfully ask that the Examiner enter the amendments.

Applicant respectfully traverses the rejection of claims 1 – 13 under 35 U.S.C. 112, second paragraph.

Applicant has amended claims 1, 12 and 13 to correct any indefiniteness that may have existed. The terms “relatively” and “about” have been deleted. Claim 1, for example, now recites low pressures below 8 millitorr.

Accordingly, Applicant respectfully ask that the Examiner withdraw this rejection.

Applicant respectfully traverses the rejection of claims 1 – 13 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over the claims of USPN 6,558,816 to Chen.

Applicant submits herewith a Terminal Disclaimer obviating the rejection of the claims under the judicially created doctrine of obviousness-type double patenting over the claims of U.S. Patent No. 6,558,816.

Regarding new claims 14 – 16, Page 3, lines 26 to Page 4, line 1 of the CIP specification states:

“The lightly nitrified and oxidized color layer is mainly comprised of amorphous metallic refractory metal with textured metal nitride phase. For

example, zirconium nitride oriented in (111) plane and smaller than 50 nm in grain size, or metallic zirconium oriented in (112) plane and smaller than 80 nm, depending on the proportion of oxygen in total gas flow. Such types of structures are produced at relatively low processing pressures, ranging from 1 to 5 millitorr."

Applicant respectfully submits that the claims amply provide patentable differences between the claimed product and the prior art product of the Chen reference. Clearly, the claims recite structure not disclosed or suggested by the prior patent.

Accordingly, Applicant respectfully asks that the Examiner withdraw this rejection.

Therefore, Applicants respectfully submit that claims 1 – 16 as amended are in condition for allowance and respectfully ask that the Examiner pass the claims to issue.

Respectfully submitted,

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